

N.D.A.G. Letter to Person (July 15, 1988)

July 15, 1988

Mr. Alan Person
Executive Director
North Dakota Employees Retirement System
1930 Burnt Boat Drive
Box 1214
Bismarck, ND 58502

Dear Mr. Person:

Thank you for your letter of June 9, 1988, in which you request my opinion on whether or not the Public Employees Retirement Board may establish a supplemental short-term disability plan and a long-term care plan for public employees at the employees' expense. You indicate that the plans would be developed by PERS, bids would be solicited from appropriate firms, and the plans would be actively managed by PERS.

In reviewing the statutory authority of the Public Employees Retirement System, N.D.C.C. chs. 54-52 and 54-52.1, there is no express authority to establish a supplemental disability plan or a long-term care plan. When the Legislature has determined that PERS is to administer an insurance plan, it has so provided. See N.D.C.C. § 54-52.1-04 (Board is expressly authorized to administer hospital benefits coverage, medical benefits coverage, and life insurance benefits coverage). In the absence of statutory authority, it is our conclusion that the Board is not authorized to establish the plans in question.

If the supplemental disability plan and a long-term care plan are in great demand by public employees, perhaps a proponent of these plans may wish to pursue legislation allowing NDPERS to administer these programs.

Sincerely,

Nicholas J. Spaeth

cv